

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

WELLS FARGO BANK, NATIONAL	)	Case No.1: 12-cv-00794 SAS-SKB
ASSOCIATION, as successor by merger to	)	
WELLS FARGO BUSINESS CREDIT,	)	Judge Sandra S. Beckwith
INC.,	)	
101 N. Phillips Avenue	)	Magistrate Judge Stephanie K. Bowman
Sioux Falls, SD 57104	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
FIFTH THIRD BANK	)	
38 Fountain Square Plaza	)	
Cincinnati, OH 45263	)	
	)	
Defendant.	)	

**DECLARATION OF SEAN T. WHITE**

I, Sean T. White, being duly sworn and upon my oath, do hereby depose and state:

1. I am an attorney in the law firm of Hoover Hull LLP ("Hoover Hull"), and special counsel to the Trustee in the matter captioned *In re Eastern Livestock, LLC*, (the "Debtor") United States Bankruptcy Court, Southern District of Indiana, New Albany Division, Case No. 10-93904-BHL-11 ("Eastern Livestock Bankruptcy").

2. Petitioning creditors commenced the chapter 11 case ("Chapter 11 Case") against Debtor on December 6, 2010 ("Petition Date") by filing an involuntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. ("Bankruptcy Code"). The court in the Eastern Livestock Bankruptcy entered its *Order For Relief In An Involuntary Case And Order To Complete Filing* [Docket #110] on December 28, 2010.

3. On December 27, 2010, the Court entered its *Order Approving The Appointment Of James A. Knauer As Chapter 11 Trustee* [Docket #102] ("Trustee Order"), approving the

United States Trustee's *Notice Of Appointment And Application for Order Approving Appointment of Trustee* [Docket #98] pursuant to 11 U.S.C. § 1104.

4. By order dated February 1, 2011 [Docket #248], the court in the Eastern Livestock Bankruptcy approved the Trustee's retention of Hoover Hull as the Trustee's special counsel.

5. In the course of communicating with Wells Fargo Bank N.A. ("Wells Fargo") regarding its documents responsive to the Trustee's *subpoena duces tecum*, Wells Fargo requested, on April 26, 2012, and Special Counsel provided, on May 3, 2012, copies of transcripts of certain of the Rule 2004 examinations of Fifth Third representatives and Wayne Stoffel taken in the Eastern Livestock Bankruptcy.

6. On or about September 30, 2011, the court in the Eastern Livestock Bankruptcy entered an order granting motion for entry of stipulated confidentiality agreement. True and accurate copies of the September 30, 2011 Order [Dkt. No. 731] and the September 28, 2011 Stipulated Confidentiality Agreement (the "Agreement") are attached hereto as **Exhibits A and B** respectively.

7. Pursuant to paragraph 3 of the Agreement in the Eastern Livestock Bankruptcy, Fifth Third by letters dated March 19, March 30, May 17 and May 29, 2012, within 30 days of receiving each of the relevant transcripts, timely designated the sixteen (16) Rule 2004 examinations of Fifth Third representatives and Wayne Stoffel as "Confidential." See March 19, 2012 letter (designating testimony of the first eleven examinations as "Confidential"), March 30, 2012 letter (designating testimony from the Wayne Stoffel Rule 2004 examination as "Confidential"), May 17, 2012 letter (designating testimony from second volumes of Patty Voss, Anne Kelly, and Tim Spurlock's Rule 2004 examinations as "Confidential") and May 29, 2012

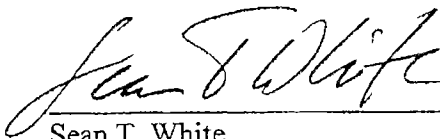
(designating testimony from the Doug Hoffner Rule 2004 examination as "Confidential"). True and accurate copies of the March 19, March 30, May 17 and May 29, 2012 letters from counsel for Fifth Third are attached hereto as **Exhibits C, D, E, and F** respectively. For the first 30 days after the Rule 2004 examination transcripts were issued, pursuant to paragraph 3 of Agreement, the transcripts were deemed "Confidential" in their entirety to allow the parties to make their own "Confidential" designations.

8. The use of the 2004 transcripts is subject to the Confidentiality Order in the Eastern Livestock Bankruptcy.

9. At no time did Special Counsel for the Trustee grant any right to Wells Fargo to use the Rule 2004 transcripts in a manner inconsistent, with or in excess of, what was ordered by the Court in the Eastern Livestock Bankruptcy.

FURTHER DECLARANT SAYETH NOT.

Dated this 30<sup>th</sup> day of April, 2013

  
Sean T. White

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